

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

JEFFREY T. COVENY

PLAINTIFF

VS.

CAUSE NO. 4:04cv39DB

BRINTONS U.S.AXMINSTER, INC.

DEFENDANT

ORDER

BEFORE THE COURT are plaintiff's Motion to Compel Discovery [doc. 63] and Defendant's Response to Plaintiff's Motion to Compel [doc. 71]. Having considered the submissions of the parties and the record of this case, I find the motion should be denied.

First, plaintiff has been dilatory in seeking the requested relief, as some eighteen months have passed since service of defendant's objections to the document requests. Second, the number of document requests exceeds the limitation set by the Court's Case Management Order. Third, plaintiff is currently employed by a direct competitor of defendant, and a large amount of the information sought is proprietary information that defendant is not obligated to produce. Fourth, the documents sought by plaintiff are not relevant to the issues in this lawsuit. Plaintiff claims he was discharged due to his refusal to commit criminal acts and/or his complaints to defendant that defendant's agents were committing criminal acts. I submit that no documents exist, that have not already been produced, that will prove plaintiff's claims. Instead, plaintiff will have to produce witnesses to verify he made the alleged complaints.

In light of the foregoing, I'm compelled to point out that this is not a document intensive case. Accordingly, the Court does not intend to have the record at trial flooded with documents that do not directly support or rebut plaintiff's claims.

THEREFORE, IT IS ORDERED that plaintiff's Motion to Compel is hereby

DENIED.

This 26th day of May, 2006.

/s/ Eugene M. Bogen
U. S. MAGISTRATE JUDGE